

	<b>ZONE CHANGE</b>  <b>File No.: MSC10-0103</b>
<b>LEWIS COUNTY</b>	<b>STAFF REPORT</b>

### PROPOSAL INFORMATION

<b>Contact</b>	Norman Gastfield		
<b>Owner</b>			
<b>Request</b>	<input checked="" type="checkbox"/> Map <input type="checkbox"/> Text <input type="checkbox"/> UGA Change <input type="checkbox"/> Other		
	<b>Existing Zoning Category:</b>	Agricultural Resource Land	
	<b>Proposed Zoning Category:</b>	RDD-5	
	<b>Existing Comprehensive Plan Designation:</b>	Agricultural Resource Land	
	<b>Proposed Comprehensive Plan Designation:</b>	RDD-5	
<b>Location/Site Size</b>	Located north of Eadon Road, south of the Cowlitz River, east of Toledo		Approximately 40 acres
<b>Parcel Number(s)</b>	011505002000		
<b>Site Description</b>	Site	Slopes over 30% on the south portion of the lot, currently vacant.	
	Topography	The site is heavily treed, with steep slopes on the southern portion of the lot.	
	Other Features	NA	

### SUMMARY EVALUATION

CRITICAL AREAS REVIEW	
<b>Critical Aquifer Recharge Area</b>	A portion of the lot with Severe Susceptibility
<b>Floodplain</b>	N/A
<b>Geologically Hazardous Areas</b>	Slopes over 30% on portions of the site
<b>Wetlands</b>	Present on site
<b>Hydric Soils</b>	Present on site
<b>Stream Buffers</b>	N/A

### **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

An environmental checklist was prepared by Lewis County for the proposal and Determination of Non-Significance (DNS) for a non-project action was issued for the proposal on June 1st, 2011, with a comment and appeal period ending on June 21st, 2011. The DNS was circulated to agencies of jurisdiction and published in the East County Journal and the Chronicle on June 1st, 2011.

### **PUBLIC NOTICE REQUIREMENTS**

Notice of the public hearing on the proposal was published in the Legal Notice section of the East County Journal and the Chronicle on June 15, 2011.

### **Public Participation**

The applicant and Lewis County Community Development Department have met the following Public Participation Program guidelines for public notice and public hearing(s):

- Circulation of application and SEPA to affected Lewis County agencies and jurisdictions
- County-wide general circulation of legal advertisement placed in the East County Journal and the Chronicle newspaper on June 15, 2011.
- Public meeting & workshop held in Lewis County Courthouse on April 26, 2011, and May 24<sup>th</sup>, 2011 at 7:00 p.m.
- County-wide general circulation of legal notice for amendment and hearing date placed in the East County Journal and the Chronicle newspaper on June 15th, 2011.
- Circulation of amendment to state agencies for review as required by RCW 36.70A
- Publication of amendment and map on Lewis County internet site
- Information regarding proposed rezones and concurrent Comprehensive Plan Map Amendment(s) available at Timberland Regional Libraries and Senior Centers.

### **PUBLIC COMMENT**

None received as of the date this report was produced.

### **STAFF REPORT ON AMENDMENT REQUEST**

**File No:** MSC10-0103

**Request:** The application is a request to change the zoning from Agricultural Resource Land (ARL), to RDD-5, with a concurrent Comprehensive Plan map change from Agricultural Resource Land to RDD-5.

**Application Summary:** The applicant states that the subject parcel is not suitable for farming due to poor soils and steep slopes on the south portion of the lot. The applicant's letter states that some of the slopes are up to 75% grade. The north portion of the lot is identified as wetlands. The applicant states the property has not been farmed. A soils report has been submitted with the application. The applicant states that RDD-5 is compatible with current conditions and uses. The north half of the lot is listed as prime farmland if drained, the south half is listed as not prime land. The site is in the forest tax program with an active forest practice application.

**Site Information:** The proposal consists of one parcel that is approximately 50 acres in size, located north of Eadon Road and east of the City of Toledo. The site is heavily treed. Parcels in the immediate area vary in size from 6 acres to over 300 acres in size. Property to the east and south are developed with open acreage home sites and some trees, and are zoned Agricultural Resource Land. The lot to the north is primarily used as agricultural, and is zoned Agricultural Resource Land. The lot to the west is primarily treed, and is zoned Agricultural Resource Land.

## **APPLICABLE ZONING ORDINANCE & COMPREHENSIVE PLAN GOALS AND POLICIES**

The zoning ordinance and Comprehensive Plan and other applicable regulations provide the framework for consideration of zone changes and concurrent Comprehensive Plan map amendments. Following are relevant zoning and Comprehensive Plan text citations related to the consideration of the proposed amendment.

### **Applicable Lewis County Zoning Code Chapters:**

#### **Chapter 17.30 Resource Lands**

##### **Agricultural**

##### **17.30.080 Agricultural land – Agricultural Resource Land**

Agricultural land or agricultural resource land means land primarily devoted to the commercial production of aquaculture, horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products to berries grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

##### **17.30.605**

"The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses".

### **17.30.610 Primary Uses**

Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil based commercial agricultural operations, wholesale nurseries, and other agricultural activities.

### **Rural Development District (RDD)**

#### **17.100.010 Purpose**

The Rural Development District is the portion of land in Lewis County not otherwise designated. While the Rural Development District has an overall density designation of one unit per five acres, one unit per ten acres, one unit per twenty acres, the combinations of steep slopes, tight soils, flood plains, and unbuildable critical areas will provide a wide variety of rural residential densities, and will preserve the rural character of the county while providing reasonable opportunity for any low density development. The purpose of this chapter is to achieve a variety of lot sizes, protect rural character, and protect small rural businesses which have historically served the citizens of Lewis County.

## **Applicable Lewis County Comprehensive Plan Chapters:**

### **Chapter 2 Lewis County 20-Year Vision**

#### **Natural Resource Areas**

Lewis County will have well-managed natural resource areas that continue to provide opportunities for natural resource based industries, like agriculture and timber, into the future. Natural resource areas are also the focus of Lewis County's recreational and tourist activities. These activities are encouraged, but also well-managed with respect to the overall preservation of our important natural resources.

Environmental and resource protection will be encouraged in order to preserve the quality environment enjoyed in Lewis County for future generations. The open lands, forests, river and stream corridors are essential resources which provide the fish and wildlife habitat, recreational opportunities, scenic beauty, and aesthetic qualities that make Lewis County an attractive place to live.

## NATURAL RESOURCE LANDS SUB-ELEMENT

**Agricultural/Agricultural Resource Lands** are those lands primarily devoted to the commercial production of aquaculture, horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

### Rural Development District

#### Density criteria for a variety of densities in rural areas

“Lands outside of the rural areas of more intense development defined above shall be Rural Development District Zoning designations in the RDD shall include a range in land use densities of one unit per five acres to one-unit-per-20-acres for overall new residential development. In rural lands existing lots of record, regardless of size, shall be legal lots for uses as set forth in development regulations”.

“The third zone identified for use in the rural areas is residential one unit per five acres. This zone is located in areas that show a pattern of large lot residential development, and are typically near population centers such as the UGAs and the small towns. The residential unit 1-5 zone permits residential uses and a variety of uses, including home occupations, isolated small businesses, and additional uses commonly found in rural areas. Some activities have been limited due to the projected intensity of development or proximity to more developed areas”.

The comprehensive plan lists “general measures to govern rural area development”: including

- 1) Containing or otherwise controlling rural development
- 2) Assure visual compatibility
- 3) Reduce the inappropriate conversion of land into sprawling low density development in the rural area
- 4) Protect critical areas and surface water and ground water resources
- 5) Protect against conflicts with the use of agricultural, forest and mineral resource lands

## RURAL AREAS GOALS, OBJECTIVES AND POLICIES

### R GOAL

#### Objective

**R 1** Ensure that growth in the County is focused so that the remainder of the

County can remain predominantly rural.

**Policies**

R1.1 Rural development, outside of defined urban growth areas, should be encouraged in a pattern and density that supports the surrounding and prevailing land use pattern, and that does not create urban demands for services for the County taxpayers to support.

**NATURAL RESOURCE LANDS GOALS, OBJECTIVES AND POLICIES**

**NR Goal: Maintain agricultural, commercial timber production, mineral resource extraction lands and their ancillary uses.**

**Objective**

**NR1** Identify and conserve resource lands supporting agriculture, forest, and mineral extractive industries.

**Policies**

NR1.1 The Lewis County Resource Lands Ordinance will be revised to be consistent with the provisions of this plan.

NR 1.2 The County should protect the interests of land-owners who wish to continue the practice of management of natural resources.

NR 1.3 Designate agricultural lands of long-term commercial significance as follows:

2. Identify lands that are classified as having prime farmland soils as determined by the National Resource Conservation Service (NRCS) that occupy a significant partition of the parcel. Prime farmland soils include soils classified by NRCS as “prime farmland”, Prime farmland if drained,” prime farmland if drained and either protected from flooding or not frequently flooded during the growing season, “and prime farmland if irrigated.” (NRCS maintains a list of soil mapping units that meet the criteria for prime farmland.

3. Lands with soils that are classified by NRCS as “prime farmland if drained” or “prime farmland if irrigated” are presumed to be drained or irrigated in the absence of evidence to the contrary;

- NR 1.4      Resource use, particularly agricultural and timber uses and accessory uses, are encouraged in all rural areas.
- NR 1.6      Some parcels may contain both prime soils and soils that are poor or otherwise not suitable for agricultural purposes. Provisions should be made to allow land owners to redesignate that portion of the parcel containing soils that are poor or otherwise not suitable for agricultural purposes.
- NR 1.14     The maximum residential density on commercially significant agricultural resource lands is one unit per 20 acres.
- NR 1.20     It is the responsibility of any new incompatible land use to appropriately buffer itself from any existing forestry, agricultural or mineral resource lands.

### **Cumulative Impact Evaluation**

The Planning Commission should review specific objectives and policies related to each zone change and concurrent comprehensive plan map amendment in the decision. Staff has listed the objectives and policies related to this request. Additionally, information contained on the rezone application itself must be weighed against criteria in the zoning ordinance and Comprehensive Plan, and with issues related to Agricultural Resource Lands, and the moratorium that existed in Lewis County related to Agricultural Resource Lands.

MSC-10-0103 is a request for a zone change from Agricultural Resource Land to RDD-5, and concurrent Comprehensive Plan map amendment from Agricultural Resource Land to RDD-5. Requests to take land out of the Agricultural Resource Lands classification requires that certain criteria be met per 17.30.600, "Relief from the ARL designation". The applicant states that the site was incorrectly classified as Agricultural Resource Land, is too steep, and is primarily wetlands with the lower half of the lot not prime farmland. Over 50% of the lot is identified as wetlands. The applicant has included a soils report addressing the soils and wetlands on the site. The soils survey states that 84% of the lot is not considered prime farmlands, consisting of Puget & Xerorthents soils.

Currently no irrigation takes place on the parcel, and no agricultural uses take place, or have taken place, on the property.

Removing this parcel from Agricultural Resource Land would create a parcel with zoning other than Agricultural Resource Land in the middle of a corridor of Agricultural Resource Land. However, a section of RDD-20 exists to the southwest in fairly close proximity, and RDD-10 exists to the northeast. Re-zoning this parcel may be considered spot zoning due to the parcel location in the middle of an area zoned Agricultural Resource Land.

Weighing the above factors, staff recommends the zoning remain Agricultural Resource Land, with a concurrent comprehensive map amendment to remain Agricultural Resource Land.

**Attachments:**

Applicant Application